

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EDUCATION MANAGEMENT
SERVICES, LLC,

Plaintiff,

v.

KEITH YACKEY,

Defendant.

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CIVIL ACTION NO. 5:15-cv-00719

[Removed from the 285th Judicial District
Court of Bexar County, Texas]

JURY DEMANDED

DECLARATION OF CLINT A. CORRIE

I, Clint A. Corrie, hereby declare as follows:

1. “My name is Clint A. Corrie. I am over the age of twenty-one (21) years, of sound mind, have never been convicted of a felony or of a crime involving moral turpitude, and am fully competent to testify to the matters herein stated. The statements and facts contained within this Affidavit are within my personal knowledge and are true and correct.

2. I am an attorney licensed by the Texas Supreme Court to practice law in the State of Texas since 1983, and a partner with AKERMAN LLP. I have practiced in the State of Texas in the areas of civil trial law both in state and federal courts since 1983. I am admitted to practice before the U.S. District Courts for the Northern, Southern, Eastern and Western Districts of Texas, as well as the U.S. Fifth Circuit Court of Appeals. Since receiving my Texas license in 1983, I have practiced throughout Northern, Southern, Eastern and Western Texas in the state and federal courts.

3. I am one of the attorneys of record for Keith Yackey (“Yackey”), Defendant in the above-entitled and numbered action (the “Lawsuit”), and am familiar with the facts,

{35613761;1}

circumstances, pleadings and briefing in this case and with the experience levels of the attorneys and legal assistants rendering services in this case for Yackey.

4. I am also familiar with the usual and customary rates charged by similarly qualified attorneys practicing in the State of Texas and in the U.S. District Court for the Western District of Texas, San Antonio Division and the qualifications and rates charged by legal staff for the types of legal services involved to prosecute the type of claims involved in this case.

5. In a case of this nature, an hourly rate for attorneys' fees can reasonably be expected to be at least \$400. My conservative rate in the case as an attorney with thirty (30) years' experience is \$450 per hour; my associate, Mr. Hodge's rate in this case, an associate with six (6) years' experience is \$310 per hour. I believe both rates are reasonable rates in this case and before the respective state and federal courts in Texas.

6. I am familiar with the costs involved in taking or defending any out-of-state deposition. Defending an out-of-state deposition of a non-party deponent in a case of this nature takes a full day of time just of travel time and five (5) to six (6) hours of preparation time. Hotel costs in Las Vegas, Nevada, would likely range between \$150-\$250 for such a deposition, and transportation costs—including flight and rental car—would likely reach at least another \$600-\$700. The round-trip flight on Southwest Airlines for the Jessica Marquez deposition I attended cost \$1,000. The party noticing the depositions would also be required to pay court reporting fees, which, with transcript fees would likely reach at least \$1,000. The party defending the deposition will incur at least \$500 in copy and video charges. These are conservative estimates.

7. Hearings in this case have been conducted in state court in San Antonio, Texas, on three days' notice. Each time there is a hearing or a discovery issue, it costs one (1) attorney

\$420 to fly round-trip from San Antonio to Dallas. The Plaintiff has noticed fourteen (14) hearings in this case to date.

8. An in-state deposition of a witness in a case of this nature in San Antonio would likely take at least six hours of travel and preparation time. The party noticing the depositions would also be required to pay court reporting fees, which, with transcript fees would normally reach at least \$1,000. These are conservative estimates.

9. In this case, the time spent by a Defendant's attorney in responding to an order to show cause, filing an amended complaint, requesting and having summons issued to a defendant, opposing a motion to dismiss for collateral estoppel, negotiating a protective order and scheduling order in the state court; drafting and serving requests for disclosure, two sets of interrogatories, and six sets of requests for production, issuing non-party subpoenas, and moving to compel discovery responses, including a reasonable time spent briefing and arguing any such motions, plus related ancillary activities, can be reasonably estimated to add up to at least sixty (60) hours of attorney time.

10. As of June 30, 2015, Defendant's billed attorneys' fees total to the case in an amount in excess of \$65,000. Plaintiff has reasonably incurred at least as much. Because of frequent hearings in San Antonio, Mr. Yackey has additionally incurred fees to retain Mr. Scott Noel's firm, Plunkett & Griesenbeck, Inc., for local representation.

11. The costs incurred to date do not involve the costs of preparing for or briefing a special appearance hearing. A trial in a case of this nature is likely to take at least four (4) days. Such a trial would involve at bare minimum four-five (4-5) eight-hour days of trial preparation, plus three (3) twelve-hour trial days and a nine-hour day on post-trial motions or briefing. These are conservative estimates and do not include any pre-trial motions or briefing.

12. Attached as **Exhibit A-1** to this Declaration is a true and correct copy of excerpts from the transcript of the Oral and Videotaped Deposition of Keith Yackey, taken on June 2, 2015.

13. Attached as **Exhibit A-2** to this Declaration is a true and correct copy of excerpts from the transcript of the Videotaped Deposition of Jessica Marquez, taken on July 17, 2015.

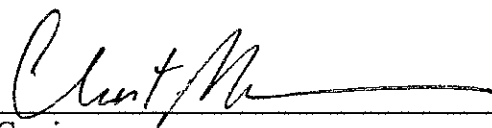
14. Attached as **Exhibit A-3** to this Declaration is a true and correct copy of (1) Plaintiff's Request for Disclosure to Defendant; (2) Plaintiff's First Set of Interrogatories to Defendant; (3) Plaintiff's Second Set of Interrogatories to Defendant; (4) Plaintiff's First Request for Production to Defendant; (5) Plaintiff's Second Request for Production to Defendant; (6) Plaintiff's Third Request for Production to Defendant; (7) Plaintiff's Fourth Request for Production to Defendant; (8) Plaintiff's Fifth Request for Production to Defendant; and (9) Plaintiff's Sixth Request for Production to Defendant.

15. Attached as **Exhibit A-4** to this Declaration are true and correct copies of Plaintiff's three Notices of Intention to Take Deposition by Written Questions sent to GoDaddy.com and Web.com.

16. Attached as **Exhibit A-5** to this Declaration is a true and correct copy of Plaintiff's Second Supplemental Original Petition, filed July 30, 2015, in *Education Management Services, LLC v. Keith Yackey*, cause number 2014-CI-15278, in the 285th Judicial District Court, Bexar County, Texas."

All statements made in this declaration are made under the penalties of perjury pursuant to 28 U.S.C. §1746.

Dated this 22nd day of August, 2015.



Clint A. Corrie

EXHIBIT A-1

1 CAUSE NO. 2014CI15278

2 EDUCATION MANAGEMENT SERVICES,) IN THE DISTRICT COURT

3 LLC,)

4 Plaintiff,)

5 vs.) 285TH JUDICIAL DISTRICT

6 KEITH YACKEY,)

7 Defendant.) BEXAR COUNTY, TEXAS

8

9 ORAL AND VIDEOTAPED DEPOSITION

10 KEITH YACKEY

11 JUNE 2, 2015

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16 ORAL DEPOSITION OF KEITH YACKEY, produced as a

17 witness at the instance of the Henry B. Gonzalez, and

18 duly sworn, was taken in the above-styled and numbered

19 cause on the June 2, 2015, from 11:26 to 4:17, before

20 Julie C. Filiberti, CCR in and for the State of Nevada,

21 reported by machine shorthand, at the offices of

22 Ackerman, LLP 1160 Town Center Drive, Suite 330,

23 Las Vegas, Nevada 89144, pursuant to the Texas Rules of

24 Civil Procedure and the provisions stated on the record.

25

A P P E A R A N C E S

FOR THE PLAINTIFF:

Mr. Henry B. Gonzalez, III
GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
210-569-8500
hbg@gcaklaw.com

FOR THE DEFENDANT:

Mr. Christopher M. Hodge
AKERMAN, LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
214-720-4300
christopher.hodge@akerman.com

ALSO PRESENT:

Ms. Dawn Beck

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1 THE VIDEOGRAPHER: Good morning. This is the
2 beginning of Digital Media No. 1 at the deposition of Keith
3 Yackey. Today's date is June 2nd, 2015. The time is
4 11:26 a.m. We are located at 1160 Town Center Drive, Suite
5 330 in Las Vegas, Nevada. This case is entitled Education
6 Management Services, LLC versus Keith Yackey. The case
7 number is 2014CI15278 and in District Court, Bexar County,
8 Texas. My name is Dawn Beck, legal videographer representing
9 DepoTexas Deposition Services. Your court reporter is
10 Julie Filiberti. Will counsel please state your appearance
11 for the record and who you represent.

12 MR. GONZALEZ: Counsel for the plaintiff, Henry
13 Gonzalez accompanied with the client himself.

14 MR. CORBETT: In-house attorney for plaintiff,
15 Nathaniel Corbett.

16 MR. HODGE: And for the defendant, Chris Hodge.

17 THE VIDEOGRAPHER: Will the court reporter
18 please administer the oath.

19 Whereupon,

20 KEITH YACKEY,
21 having been first duly sworn to testify to the truth,
22 the whole truth and nothing but the truth was examined
23 and testified as follows:

24 / / /

25 / / /

1 A. I think I understood everything you said, yes.

2 Q. Okay. Great. All right. Well, we're going to go
3 ahead and recess the deposition subject to the hearing and the
4 possible, you know, hearing on any objections or assertions of
5 not privileged but instructions not to answer; but otherwise,
6 we're done for today?

7 MR. HODGE: All right. And we will reserve.

8 THE VIDEOGRAPHER: This concludes the video
9 recorded deposition of Keith Yackey taken on June 2nd, 2015.
10 It consists of three digital media disks. We're going off
11 record, and the time is 4:17 p.m.

12 (Deposition concluded at 4:17 p.m.)

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Keith Yackey

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CAUSE NO. 2014CI15278

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2 EDUCATION MANAGEMENT SERVICES,) IN THE DISTRICT COURT
3 LLC,))
4 Plaintiff,))
5 vs.) 285TH JUDICIAL DISTRICT
6 KEITH YACKEY,))
7 Defendants.) BEXAR COUNTY, TEXAS

8
9 REPORTER'S CERTIFICATION
DEPOSITION OF KEITH YACKEY

10 June 2, 2015

11 I, Julie C. Filiberti, Certified Shorthand
12 Reporter in and for the State of Nevada, hereby certify
13 to the following:

14 That the witness, KEITH YACKEY, was duly sworn
15 by the officer and that the transcript of the oral
16 deposition is a true record of the testimony given by
17 the witness;

18 That the deposition transcript was submitted
19 on June 19, 2015, to the witness or to the
20 attorney for the witness for examination, signature and
21 return to me by July 9, 2015;

22 That the amount of time used by each party at
23 the deposition is as follows:

24 Mr. Henry B. Gonzalez, III - 04:56

25 That pursuant to information given to the

1 deposition officer at the time said testimony was taken,
2 the following includes counsel for all parties of
3 record:

4 FOR THE PLAINTIFF:

5 Mr. Henry B. Gonzalez, III
6 GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
7 613 N.W. Loop 410, Suite 800
8 San Antonio, Texas 78216
9 210-569-8500

10 FOR THE DEFENDANT:

11 Mr. Christopher M. Hodge
12 AKERMAN, LLP
13 2001 Ross Avenue, Suite 2550
14 Dallas, Texas 75201
15 214-720-4300

16 I further certify that I am neither counsel
17 for, related to, nor employed by any of the parties or
18 attorneys in the action in which this proceeding was
19 taken, and further that I am not financially or
20 otherwise interested in the outcome of the action.

21 Further certification requirements pursuant to
22 Rule 203 of TRCP will be certified to after they have
23 occurred.

24 Certified to by me this 16 day of

25 JUNE, 2015.

26 Julie C. Filiberti
27 Julie C. Filiberti, CCR 718
28 DepoTexas - Firm Registration No. 95
29 Sunbelt Reporting - Firm Registration No. 300
30 13101 Northwest Freeway, Suite 210
31 Houston, Texas 77040
32 281-469-5580

FURTHER CERTIFICATION UNDER RULE 203 TRCP

July 13, 2015 :

If returned, the original deposition was delivered to Henry B. Gonzalez, III, Custodial Attorney;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on

July 15, 2015 and filed with the Clerk.

Certified to by me this 14th day of July, 2015.

DepoTexas, Inc.

Keith Yackey

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CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON
14	14-15	REPLACE WITH "I DON'T REMEMBER HAVING MUCH TIME"	CLARIFICATION
20	15-16	REPLACE "SEDIMENT" WITH "SENTIMENT"	TYPO
45	20	REPLACE WITH "NO, PRIVATE MONEY PRO, LLC OWNS GETPOF.COM"	CORRECTION
110	10	REPLACE "YEAH, I GUESS" WITH "YEAH, I GUESS SHE BENEFITS FINANCIALLY. I DON'T BENEFIT FINANCIALLY."	CLARIFICATION
131	3	REPLACE WITH "SHE WOULD HAVE KNOWLEDGE OF MY TRAVEL TO TEXAS. I'M NOT SURE ABOUT DOING BUSINESS IN TEXAS BECAUSE I'M NOT A LAWYER."	CLARIFICATION
133	20	REPLACE WITH "I DON'T KNOW. I DON'T KNOW THE LEGAL SIGNIFICANCE OF THE DOCUMENTS."	CLARIFICATION
135	10-11	AFTER "I MEAN I GUESS," ADD "I'M NOT AN ATTORNEY, I DON'T KNOW."	CLARIFICATION

DepoTexas, Inc.

Keith Yackey

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1 I, KEITH YACKEY, have read the foregoing
 2 deposition and hereby affix my signature that same is
 3 true and correct, except as noted above.

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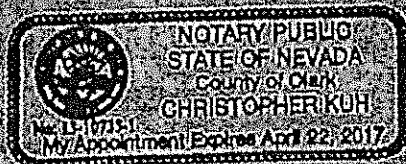
KEITH YACKEY

THE STATE OF Nevada)
 COUNTY OF Clark)

Before me, Christopher Kuh, on this
 day personally appeared KEITH YACKEY, known to me
 (or proved to me under oath or through (NV D.L.E.)
 (description of identity card or other document) to be
 the person whose name is subscribed to the foregoing
 instrument and acknowledged to me that they executed the
 same for the purposes and consideration therein
 expressed.

Given under my hand and seal of office this

13th day of July, 2015.



NOTARY PUBLIC IN AND FOR
 THE STATE OF Nevada
 MY COMMISSION EXPIRES:

April 22, 2017

DepoTexas, Inc.

EXHIBIT A-2

Cause No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC,) IN THE DISTRICT COURT
)
) 285th JUDICIAL DISTRICT
v.)
) BEXAR COUNTY, TEXAS
)
)
KEITH YACKEY)
_____)

VIDEOTAPED DEPOSITION OF JESSICA MARQUEZ, VOLUME I

Taken at the Law Offices of
Reisman Sorokac
8965 South Eastern Avenue
Suite 382
Las Vegas, Nevada 89123

On Friday, July 17, 2015
At 9:21 a.m.

Reported by: Sarah M. Winn-Boddie, CCR No. 868

1 APPEARANCES:

2 For the Plaintiff: HENRY B. GONZALEZ, III, ESQ.
3 Gonzalez Chiscano Angulo &
4 Kasson
5 613 NW Loop 410
6 Suite 800
7 San Antonio, TX 78216
8 (210) 569-8500

9 AND

10 NATHAN CORBETT, ESQ.
11 13700 Veterans Memorial
12 Drive
13 Suite 102
14 Houston, TX 77018
15 (210) 526-0950

16 For the Deponent: JOSHUA H. REISMAN, ESQ.
17 Reisman Sorokac
18 8965 South Eastern Avenue
19 Suite 382
20 Las Vegas, NV 89123
21 (702) 727-6258

22 For Plaintiff and Counterdefendant Real Estate Training
23 International, LLC and Counterdefendant Armando Montelongo
24 (In the California case):

25 KIMBERLY D. HOWATT, ESQ.
Gordon & Rees
101 West Broadway
Suite 1600
San Diego, CA 92101
(619) 696-6700

For Defendants and Counterclaimant Nick Vertucci Companies
and Nick Vertucci (In the California Case):

MADISON S. SPACH, JR., ESQ.
Spach, Capaldi & Waggaman,
LLP
4675 MacArthur Court
Suite 550
Newport Beach, CA 92660
(949) 852-0710

1 APPEARANCES (CONTINUED):

2

3

For Defendants Nick Vertucci, Nick Vertucci Companies (In
the California Case) and Defendant Keith Yackey (In the
Texas Case):

4

CLINT A. CORRIE, ESQ.

5

Akerman LLP

6

2001 Ross Avenue

Suite 2550

Dallas, TX 75201

(214) 720-4300

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Also Present:

Geoffrey Klimas, Sr.,

Videographer

Keith Yackey

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1 FRIDAY, JULY 17, 2015; LAS VEGAS, NEVADA

2 9:21 a.m.

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4 MR. GONZALEZ: Henny Gonzalez for Plaintiff,
5 Education Management Services, LLC. We've got a couple of
6 agreements to put on the record.

7 One of the agreements is that for the hearing set
8 for Monday, all matters set for Monday, we're agreeing to have
9 those moved to Wednesday so the parties can continue to confer
10 on the proposed Rule 11 agreement and whatever other issues
11 are set for Monday.

12 Is that correct, Mr. Corrie?

13 MR. CORRIE: Yes.

14 MR. GONZALEZ: Okay. So we'll get those moved by
15 agreement.

16 The other agreement concerns this deposition. In
17 order to accommodate the witness and for ease of the parties,
18 instead of taking Ms. Marquez's deposition more than
19 necessary, we're agreeing that this deposition is going to be
20 used both in the Texas cases, all the Texas cases and the
21 current California litigation, and that is why Ms. Howatt is
22 participating here as well.

23 There is a pending special appearance that has been
24 filed by Mr. Yackey and we have agreed that there is
25 absolutely no waiver of the special appearance by

1 MR. SPACH: Madison Spach, S-p-a-c-h, for the
2 defendants and counterclaimants in the California District
3 Court litigation, Nick Vertucci Companies and Nick Vertucci.

4 MR. REISMAN: Josh Reisman on behalf of nonparty
5 witness Jesse Marquez.

6 THE VIDEOGRAPHER: The witness may now be sworn in.
7 Whereupon,

8 JESSICA MARQUEZ,
9 having been first duly sworn to testify to the truth, the
10 whole truth, and nothing but the truth, was examined and
11 testified as follows:

12
13 EXAMINATION

14 BY MR. GONZALEZ:

15 Q. Good morning. Could you please state your full name
16 for the record?

17 A. Jessica Marquez.

18 Q. Ms. Marquez, my name is Henry Gonzalez and I
19 represent a party in several lawsuits in Texas. We're here to
20 take your deposition in those cases as well as a case that's
21 pending in California, and one of the cases in Texas involves
22 a defendant by the name of Keith Yackey.

23 Do you understand that?

24 A. Yes.

25 Q. Okay. Have you ever given a deposition before?

1 BY MR. GONZALEZ:

2 Q. All right. We've had an opportunity to take a break
3 to switch tapes. And again, if you want to take any breaks,
4 you just tell us, all right?

5 A. Yes.

6 Q. You ready to continue?

7 A. Yep.

8 Q. Anything about your prior testimony that you need to
9 modify or correct? You know, sometimes people take a break
10 and they're like, Oh, my gosh, should have said this.

11 A. I don't think so.

12 Q. Okay. That's fine. And you'll have a chance to
13 review your transcript but I just want to give you that
14 opportunity.

15 Okay. So how many websites operate under Private
16 Money Pro, LLC?

17 A. Can you repeat that again?

18 Q. Sure. How many websites operate under the business
19 Private Money Pro, LLC?

20 A. So there's that one, Private Money Process,
21 GetPOF.com, and KeithYackey.com.

22 Q. All right. And how much revenue has been generated
23 by those websites since they started?

24 A. Maybe 200.

25 MR. CORRIE: Objection. Jurisdiction.

1 BY MR. GONZALEZ:

2 Q. Okay. \$200,000?

3 A. Yeah.

4 Q. Is that a yes?

5 A. Yes. Sorry.

6 Q. And sitting here today as the sole owner of this
7 company, you're not sure whether any taxes have been paid on
8 that 200,000?

9 A. I'm unsure.

10 Q. Okay. Other than paying for the contract services
11 of the gentleman in Oregon, do you -- what other expenses do
12 you have?

13 A. That's it.

14 Q. Okay. You don't pay your --

15 MR. CORRIE: You mean the company?

16 MR. GONZALEZ: The company.

17 THE WITNESS: That's it.

18 BY MR. GONZALEZ:

19 Q. That's it.

20 And I think you testified earlier that the revenue
21 generated basically goes right back into the company.

22 A. Right.

23 Q. So what kind of -- what kind of things do you have
24 to buy for the company to keep it going?

25 A. We just started advertising.

1 Services, 100 Northeast Loop 410, Suite 540, San Antonio,
2 Texas 78216. The time is approximately 5:27 p.m. We are now
3 off the record.

4 (The deposition concluded at 5:27 p.m.)

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Skandier, Brenda (LAA-Dal)

From: Corrie, Clint (Ptnr-Dal)
Sent: Wednesday, August 19, 2015 11:03 PM
To: Skandier, Brenda (LAA-Dal)
Subject: RE: DON'T FORGET TO APPROVE THE CHROME RIVER INVOICE PAYMENT REQUESTS (THE ONES YOU SIGNED)

I have approved but I will tell you I am less interested from an urgency standpoint of getting Depo Texas's expenses approved than I am at getting my reimbursements. This needs to be a very high priority. I cannot afford to carry all the travel expenses on these cases and I refuse to go into personal savings to pay bills for this travel. Please immediately get my reimbursements process and get them submitted so I can approve. this will be a serious problem if this is not at the top of your list of things to do.

From: Skandier, Brenda (LAA-Dal)
Sent: Tuesday, August 18, 2015 8:35 AM
To: Corrie, Clint (Ptnr-Dal)
Subject: DON'T FORGET TO APPROVE THE CHROME RIVER INVOICE PAYMENT REQUESTS (THE ONES YOU SIGNED)

Brenda Skandier
Legal Administrative Assistant, Litigation Practice Group
Akerman LLP | 2001 Ross Avenue | Suite 2550 | Dallas, TX 75201
Dir: 214.720.4333 | Main: 214.720.4300 | Fax: 214.981.9339
brenda.skandier@akerman.com

EXHIBIT A-3

CAUSE NO. 2014-CI-15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
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IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S REQUEST FOR DISCLOSURE TO DEFENDANT

TO: KEITH YACKEY, Defendant
 By and through his attorney of record:
 Clint A. Corrie
 Akerman LLP
 2001 Ross Avenue, Suite 2550
 Dallas, Texas 75201

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to disclose, within thirty (30) days of service of this request, the information or material described in Rule 194.2(a)-(l), as set forth:

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual basis of your claims;
- (d) the amount and any method of calculating economic damages;
- (e) the name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) for any testifying expert:
 - (1) the expert's name, address and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis of them, or if the expert is not retained by, employed, or otherwise subject to your control, documents reflecting such information;
 - (4) if the expert is retained, employed by or otherwise subject to your control:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;
 - (B) the expert's current resume and bibliography;
- (g) any discoverable indemnity and insuring agreements;
- (h) any discoverable settlement agreements;
- (i) any discoverable witness statements;
- (j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related

- to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
- (l) the name, address, and telephone number of any person who may be designated as a responsible third party.

II.

In accordance with Texas Rule of Civil Procedure 194.3, please serve written responses within thirty (30) days after service of this request.

III.

In compliance with Rule 194.4 of the Texas Rules of Civil Procedure, please produce responsive documents to the offices of Gonzalez, Chiscano, Angulo & Kasson, P.C., 613 N.W. Loop 410, Suite 800, San Antonio, Texas 78216.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 NW Loop 410, Suite 800
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By: 

HENRY B. GONZALEZ III

State Bar No. 00794952

JEFFRIE D. BOYSEN

State Bar No. 24071785

ATTORNEYS FOR PLAINTIFF,


EDUCATION MANAGEMENT SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of April, 2015, a true and correct copy of the foregoing was forwarded by facsimile transmission and/or regular mail and/or certified mail, return receipt requested, and/or hand-delivery to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Facsimile: (214) 981-9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
Facsimile: (210) 568-4493


Jeffrie D. Boysen

05-22-'15 15:45 FROM- GCAK

210-569-8490

T-750 P0002/0014 F-746

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
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§
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§

IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

In accordance with Texas Rule of Civil Procedure 197, Education Management Services, LLC serves the following Interrogatories and requests that serves a written response to the address provided below within 30 days of service.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III

State Bar No. 00794952

Email: hbg@gcaklaw.com

ATTORNEYS FOR PLAINTIFF

05-22-'15 15:45 FROM- GCAK

210-568-8490

T-750 P0003/0014 F-746

CERTIFICATE OF SERVICE

I hereby certify that on this the ^{real} 21st day of May, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Clint.corrie@akerman.com
Facsimile 214/981.9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com


HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF

05-22-'15 15:45 FROM- GCAK

210-569-8490

T-750 P0004/0014 F-746

INSTRUCTIONS

1. These Interrogatories are continuing in nature and, pursuant to the Texas Rules of Civil Procedure, require further and supplemental responses by You as and whenever You acquire, make or discover additional or different information demonstrating that a response given was incorrect or incomplete when made or that the response made is no longer true and complete.

2. To the extent that You believe that any of the Interrogatories are objectionable, answer so much of each Interrogatory as is, in Your view, not objectionable and separately state the portion of each Interrogatory to which You object and the grounds for Your objection.

3. Unless otherwise indicated, all words are to be given their broadest meaning consistent with ordinary usage.

4. To describe a statement means to give the date, the method of communicating the statement (i.e., email, in-person conversation, telephone conversation, etc.), and the substance of the statement.

5. When referring to a person, to "identify" means to give, to the extent known, the person's full name, present or last known address, and present or last known telephone number, and last known place of employment (if a natural person). Once a person has been identified in accordance with his subparagraph, only the name of that person need be listed in response to subsequent discovery requesting identification of that person.

6. When referring to documents, "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

7. Unless otherwise stated, the time period for the Interrogatories shall be July 1, 2011 to the present.

DEFINITIONS

As used herein, unless otherwise indicated:

1. "You" and "Your" refer to the party upon which these Interrogatories are served, as indicated on page 1, and each of its employees, agents, and representatives.

2. "Person(s)" means any individual, public or private corporation, firm, partnership, joint venture, incorporated or unincorporated association, organization, proprietorship, trust,

05-22-'15 15:45 FROM- GCAK

210-569-8490

T-750 P0005/0014 F-746

estate, governmental agency, commission, bureau, or department, or any other business or legal entity.

3. "Product(s) and/or Service(s)" refers to any tangible item that is manufactured for sale or any intangible activity performed by one Person for another Person. This includes but is not limited to real estate education materials, events, seminars, symposiums and bus tours.

4. "Customer(s)" refers to any Person who has purchased a Product and/or Service offered by another Person.

5. "Lead(s)" refers to any Person who has been marketed to, to purchase a Product and/or Service offered by another Person.

6. "Concerning" means, in whole or in part, referring to, relating to, pertaining to, constituting, demonstrating, evidencing, describing, identifying, mentioning, containing, embodying, evaluating, reflecting, discussing, supporting, analyzing, stating, or in any way dealing with, including without limitation documents that relate to the preparation or another document, or documents that are attached to or enclosed with another document.

7. "Refer to" or "relate to" or any derivative thereof means constituting, describing, summarizing, reflecting, involving, containing, embodying, mentioning, showing, comprising, evidencing, discussing, commenting about, referring to, or logically or factually connecting with the matter described in the applicable discovery request.

8. "Customer Information" refers to information including the name, address, and phone number of any Person who has purchased a Product or Service offered by another Person.

9. "Lead Generation Processes" refers to the manner in which Leads are generated.

10. "Armando Montelongo Companies" refers to all affiliates of Armando Montelongo Companies including but not limited to Education Management Services, LLC, Real Estate Training International, LLC, Lead Generation and Marketing, LLC and Performance Advantage Group, Inc. and their employees, agents and representatives.

11. "Document(s)" shall have the same meaning as the phrase "documents and tangible things" in Texas Rule of Civil Procedure 192.3(b) and shall include, without limitation, the original and each and every non-identical copy, whether different from the original because of marginal notes or other material inserted therein or attached thereto or otherwise, drafts and both sides thereof, of any written, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including all records kept by electronic, photographic or mechanical means and things similar to any of the foregoing, however denominated. "Document(s)" means writings of any kind, and includes any and all written, printed,

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0006/0014 F-746

typed, transcribed, electronic, digitized, electromagnetic, graphic, recorded, and visually or orally reproduced material or media of any kind, whether or not privileged. "Document(s)" includes but is not limited to correspondence, e-mail, memoranda, business records, telephone records, notations, diaries, calendars, appointment schedules, minutes, notes, summaries, transcripts of testimony, contracts, agreements, orders, receipts, invoices, bills, pictures, drawings, sketches, designs, papers, books, notebooks, advertising and commercial literature, articles, newspapers, press releases, cables, telexes, telegrams, recordings, lists, charts, summaries, exhibits, appendices, outlines, logs, journals, work papers, statements, reports, studies, ledgers, worksheets, financial and/or accounting records, canceled checks, catalogues, electronic data compilations, microfilms, tapes, video, diskettes, drives, computer programs, computer hard drive information, and any other form of documented or recorded information.

12. "Agreement" means any meeting of the minds or understanding between two parties whether or not the agreement constitutes a legal obligation or contract.

13. "Independent Contractor(s)" refers to any Person that agrees to provide Products and/or Services for another Person according to his own processes and methods, and who is not subject to the other's control, except for what is specified in an Agreement.

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0007/0014 F-746

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify your job related duties and responsibilities for Education Management Services, LLC.

Answer:

INTERROGATORY NO. 2:

Please identify any skills and/or training you had obtained before and during your employment with Education Management Services, LLC.

Answer:

INTERROGATORY NO. 3:

Please identify any and all cities other than San Antonio, Texas where you travelled to perform work related duties and responsibilities for Education Management Services, LLC.

Answer:

INTERROGATORY NO. 4:

Please identify all persons within your department while employed with Education Management Services, LLC.

Answer:

INTERROGATORY NO. 5:

Please describe in detail the duties you performed while working at Plaintiff's "Bus Tour" events.

Answer:

INTERROGATORY NO. 6:

Please describe in detail the duties you performed while working at Plaintiff's seminar events.

Answer:

INTERROGATORY NO. 7:

Please provide a comprehensive list of any and all persons with whom you worked while

05-22-'15 15:46 FROM- GCAK

210-589-8490

T-750 P0008/0014 F-746

employed with Plaintiff that you have had any form of communication with since your termination in September of 2013. For each, please list the person's name, date of communication, and the details of each communication.

Answer:

INTERROGATORY NO. 8:

Please provide a comprehensive list of your employment history and contractor history since September of 2013. For each, please list the company's name, dates of employment, job title, duties, and responsibilities, and whether you were an employee or contractor.

Answer:

INTERROGATORY NO. 9:

Please identify any former customers of Plaintiff's that you have been in contact with since your separation with Plaintiff's company.

Answer:

INTERROGATORY NO. 10:

Please detail any and all employment training you have received from September 13, 2013 to present. For each please provide the details of the training, from whom it was received, and the approximate dates of training.

Answer:

05-22-'15 15:45 FROM- GCAK

210-569-8490

T-750 P0001/0014 F-746



GONZALEZ CHISCANO ANGULO & KASSON, PC

613 NW Loop 410, Suite 800, San Antonio, TX 78216
Tel: 210-569-8500 Fax: 210-569-8490
www.gcaklaw.com

Henry B. Gonzalez III
Steve Alfonso Chiscano
David S. Angulo
Richard J. Kasson

Henry B. Gonzalez III
Direct Tel 210-569-8489
hbg@gcaklaw.com

FACSIMILE COVER PAGE

DATE: MAY 22, 2015

TO: CLINT A. CORRIE

FACSIMILE: 214/981-9339

ANDREW MOON
NATHAN CORBETT

FACSIMILE: 210/568-4493

COURTESY JEFF CAWDREY
COPY TO: KIMBERLY HOWATT

FACSIMILE: 213/680-4470

FROM: HENRY B. GONZALEZ III

RE: CAUSE NO. 2014-CI-15278; EDUCATION MANAGEMENT SERVICES, LLC VS.
KEITH YACKEY; 285TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS

Enclosed are the following:

1. Plaintiff's First Request for Production to Defendant; and,
2. Plaintiff's First Set of Interrogatories to Defendant

NUMBER OF PAGES INCLUDING COVER PAGE: 14

ORIGINAL TO FOLLOW: NO

IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMISSION, PLEASE CALL
210/569-8500.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION
INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT.
YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE,
AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

07-20-'15 11:50 FROM- GCAK

210-569-8490

T-193 P0002/0005 F-116

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

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IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S SECOND SET OF INTERROGATORIES TO DEFENDANT

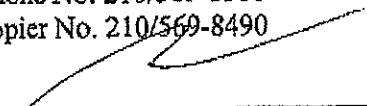
TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

In accordance with Texas Rule of Civil Procedure 197, Education Management Services, LLC serves the following Interrogatories and requests that serves a written response to the address provided below within 30 days of service.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III

State Bar No. 00794952

Email: hbg@gcaklaw.com

ATTORNEYS FOR PLAINTIFF

07-20-15 11:50 FROM- GCAK

210-569-8490

T-193 P0003/0005 F-116

CERTIFICATE OF SERVICE

I hereby certify that on this the 20TH day of July, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
clint.corrie@akerman.com
Christopher M. Hodge
christopher.hodge@akerman.com
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
FACSIMILE 214/981-9339

Scott M. Noel
snoel@pg-law.com
C.J. Cilfone
CJCilfone@pg-law.com
Plunkett & Griesenbeck, Inc.
Catholic Life Building
1635 N.E. Loop 410, Suite 900
San Antonio, Texas 78209
FACSIMILE 210-734-0379

Andrew Moon
andym@teamarmando.com
Nathan Corbet
nathanc@teamarmando.com
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
FACSIMILE 210/568-4493


HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF

07-20-'15 11:51 FROM- GCAK

210-569-8490

T-193 P0004/0005 F-116

INSTRUCTIONS

1. These Interrogatories are continuing in nature and, pursuant to the Texas Rules of Civil Procedure, require further and supplemental responses by You as and whenever You acquire, make or discover additional or different information demonstrating that a response given was incorrect or incomplete when made or that the response made is no longer true and complete.

2. To the extent that You believe that any of the Interrogatories are objectionable, answer so much of each Interrogatory as is, in Your view, not objectionable and separately state the portion of each Interrogatory to which You object and the grounds for Your objection.

3. Unless otherwise indicated, all words are to be given their broadest meaning consistent with ordinary usage.

4. To describe a statement means to give the date, the method of communicating the statement (i.e., email, in-person conversation, telephone conversation, etc.), and the substance of the statement.

5. When referring to a person, to "identify" means to give, to the extent known, the person's full name, present or last known address, and present or last known telephone number, and last known place of employment (if a natural person). Once a person has been identified in accordance with his subparagraph, only the name of that person need be listed in response to subsequent discovery requesting identification of that person.

6. When referring to documents, "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

7. Unless otherwise stated, the time period for the Interrogatories shall be July 1, 2011 to the present.

07-20-15 11:51 FROM- GCAK

210-569-8490

T-193 P0005/0005 F-116

INTERROGATORIES

INTERROGATORY NO. 1: Please state, with specificity, why you contend the following clause in the January 22, 2013 Contractor Agreement is not enforceable and/or does not subject you to personal jurisdiction before the Court in which this action is pending:

"The federal and state courts sitting in San Antonio, Texas shall be the exclusive courts in which venue for any suit relating to the terms, conditions, interpretation, or enforcement of this Agreement shall lay."

Response:

07-20-2015 11:50 FROM- GCAK

210-569-8490

T-193 P0001/0005 F-116



613 NW Loop 410, Suite 800, San Antonio, TX 78216
Tel: 210-569-8500 Fax: 210-569-8490
www.gcaklaw.com

Henry B. Gonzalez III
Steve Alfonso Chiscano
David S. Angulo
Richard J. Kasson

Henry B. Gonzalez III
Direct Tel 210 569 8429
hbg@gcaklaw.com

FACSIMILE AND/OR EMAIL COVER PAGE

DATE: JULY 20, 2015

TO: CLINT A. CORRIE
CHRISTOPHER M. HODGE

FACSIMILE: 214/981-9339

SCOTT M. NOEL
C. J. CILFONE

FACSIMILE: 210/734-0379

ANDREW MOON
NATHAN CORBETT

FACSIMILE: 210/568-4493

DAVID MEEK

FACSIMILE: 407/843-6610

MICHAEL J. O'CONNOR

FACSIMILE: 210/614-6401

FROM: HENRY B. GONZALEZ III

RE: CAUSE No. 2014CI04088; EDUCATION MANAGEMENT SERVICES, LLC VS.
KEITH YACKEY; 285TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS

Enclosed please find Plaintiff's Second Set of Interrogatories to Defendant (Yackey)

NUMBER OF PAGES INCLUDING COVER PAGE:

5

ORIGINAL TO FOLLOW: NO

IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMISSION, PLEASE CALL
210/569-8500.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION
INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT.
YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE,
AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0009/0014 F-746

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
§
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IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXA

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
TO DEFENDANT

TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Requests For Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request For Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III

State Bar No. 00794952

Email: hbg@gcaklaw.com

ATTORNEYS FOR PLAINTIFF

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0010/0014 F-746

CERTIFICATE OF SERVICE

I hereby certify that on this the ^{21st} day of May, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Clint.corrie@akerman.com
Facsimile 214/981.9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com



HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0011/0014 F-746

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

05-22-'15 15:46 FROM- GCAK

210-569-8490

T-750 P0012/0014 F-746

REQUESTS FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1: Copies of all contracts, joint venture agreements, partnership agreements, employment agreements or other written agreements, from September, 2013 to present, between you and

- a. The Nick Vertucci Companies, Inc.
- b. NV Real Estate Academy.
- c. Nick Vertucci, or company in which Nick Vertucci has an ownership interest.
- d. Entities that provide real estate education, real estate seminars, and/or real estate bus tours.
- e. All entities, companies, and/or persons with which you have contracted with from September, 2013 to present.

RESPONSE

REQUEST FOR PRODUCTION NO. 2: All written correspondence, including emails, from the period of September of 2013 to present, between you and:

- a. Nick Vertucci
- b. Nicole Marshall
- c. Siggie Ahrens
- d. Keith Yackey
- e. Erik Slaiken
- f. The Nick Vertucci Companies, Inc., or officer, representative, or agent thereof.
- g. NV Real Estate Academy, or officer, representative, or agent thereof.
- h. Any entities with which you have been employed and/or provided services to.

RESPONSE

REQUEST FOR PRODUCTION NO. 3: All statements and communications from September 2013 to present, between you and Nick Vertucci, The Nick Vertucci Companies, Inc., NV Real Estate Academy, or an officer, representative or agent thereof, including taped recordings, text messages, voicemail messages, emails, and letters.

RESPONSE

REQUEST FOR PRODUCTION NO. 4: All materials and documents in your possession that were produced by Education Management Services, LLC, Armando Montelongo, Armando Montelongo Seminars, and/or one of their affiliates.

05-22-'15 15:47 FROM- GCAK

210-569-8490

T-750 P0013/0014 F-746

RESPONSE

REQUEST FOR PRODUCTION NO. 5: Copies of training documents, compliance documents, policies and procedures, and legal opinions in your possession that were the property of Armando Montelongo, an Armando Montelongo company, or Education Management Services, LLC.

RESPONSE

REQUEST FOR PRODUCTION NO. 6: Copies of any documents obtained from Armando Montelongo, an Armando Montelongo company, or Education Management Services, LLC, which you purport you lawfully obtained, or are lawfully in possession of.

RESPONSE

REQUEST FOR PRODUCTION NO. 7: Copies of any documents obtained from The Nick Vertucci Companies, Inc., NV Real Estate Academy, Nick Vertucci, a company owned by Nick Vertucci, or an agent, employee, or affiliate of Nick Vertucci.

RESPONSE

REQUEST FOR PRODUCTION NO. 8: Copies of your tax returns, 1099, W2's, and/or other tax related documents for the year 2011, 2012, 2013, and 2014.

RESPONSE

REQUEST FOR PRODUCTION NO. 9: All emails that reflect communications between you and individuals and/or businesses located in Texas. This request is limited to emails prepared since September 24, 2009.

RESPONSE

REQUEST FOR PRODUCTION NO. 10: All credit card statements that reflect charges made by you while in Texas. This request is limited to emails prepared since September 24, 2009.

RESPONSE

05-22-'15 15:47 FROM- GCAK

210-569-8490

T-750 P0014/0014 F-746

REQUEST FOR PRODUCTION NO. 11: All cell phone records that reflect communications between you and individuals and/or businesses located in Texas. This request is limited to emails prepared since September 24, 2009.

RESPONSE

REQUEST FOR PRODUCTION NO. 12 Any and all documents that reflect email addresses used by you since September 24, 2009.

RESPONSE

REQUEST FOR PRODUCTION NO. 13: Any and all documents that reflect your travels to Texas since September 24, 2009.

RESPONSE

REQUEST FOR PRODUCTION NO. 14: All documents that reference the identity of businesses and/or individuals in Texas with whom you transact business.

RESPONSE

REQUEST FOR PRODUCTION NO. 15: Copies of all lawsuits you have been involved in since September 24, 2009.

05-22-'15 15:45 FROM- GCAK

210-569-8490

T-750 P0001/0014 F-746



GONZALEZ CHISCANO ANGULO & KASSON, PC

613 NW Loop 410, Suite 800, San Antonio, TX 78216
Tel: 210-569-8500 Fax: 210-569-8490
www.gcaklaw.com

Henry B. Gonzalez III
Steve Alfonso Chiscano
David S. Angulo
Richard J. Kasson

Henry B. Gonzalez III
Direct Tel 210-569-8489
hbg@gcaklaw.com

FACSIMILE COVER PAGE

DATE: MAY 22, 2015

TO: CLINT A. CORRIE

FACSIMILE: 214/981-9339

ANDREW MOON
NATHAN CORBETT

FACSIMILE: 210/568-4493

COURTESY JEFF CAWDREY
COPY TO: KIMBERLY HOWATT

FACSIMILE: 213/680-4470

FROM: HENRY B. GONZALEZ III

RE: CAUSE NO. 2014-CI-15278; EDUCATION MANAGEMENT SERVICES, LLC vs.
KEITH YACKEY; 285TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS

Enclosed are the following:

1. Plaintiff's First Request for Production to Defendant; and,
2. Plaintiff's First Set of Interrogatories to Defendant

NUMBER OF PAGES INCLUDING COVER PAGE:

14

ORIGINAL TO FOLLOW: NO

IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMISSION, PLEASE CALL
210/569-8500.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION
INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT.
YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE,
AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

05-22-'15 16:17 FROM- GCAK

210-569-8490

T-754 P0002/0005 F-749

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
§
§
§
§
§

IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXA

PLAINTIFF'S SECOND REQUEST FOR PRODUCTION
TO DEFENDANT

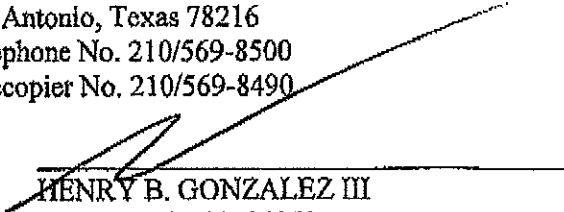
TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Second Requests For Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request For Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III
State Bar No. 00794952
Email: hbg@gcaklaw.com
ATTORNEYS FOR PLAINTIFF

05-22-'15 16:17 FROM- GCAK

210-569-8490

T-754 P0003/0005 F-749

CERTIFICATE OF SERVICE

I hereby certify that on this the 22 day of May, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Clint.corrie@akerman.com
Facsimile 214/981.9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com


HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF

05-22-'15 16:17 FROM- GCAK

210-569-8490

T-754 P0004/0005 F-749

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

05-22-'15 16:17 FROM- GCAK

210-569-8490

T-754 P0005/0005 F-749

SECOND SET OF REQUESTS FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1. Any and all fee agreements between you and your lawyers in this matter.

Response:

REQUEST FOR PRODUCTION NO. 2. Any and all invoices for legal services in this matter.

Response:

REQUEST FOR PRODUCTION NO. 3. Any and all agreements between you and Nick Vertucci and/or any entities and/or individuals associated with Mr. Vertucci, including indemnification agreements, employment agreements, agreements to provide legal expenses and/or joint defense and/or prosecution agreements.

Response:

REQUEST FOR PRODUCTION NO. 4. All correspondence between you and Nick Vertucci and/or any entities and/or individuals associated with Mr. Vertucci concerning this lawsuit, Armando Montelongo and/or any individuals and/or entities associated with Plaintiff and/or Armando Montelongo.

05-22-'15 16:17 FROM- GCAK

210-569-8490

T-754 P0001/0005 F-749



613 NW Loop 410, Suite 800, San Antonio, TX 78216
Tel: 210-569-8500 Fax: 210-569-8490
www.gcaklaw.com

Henry B. Gonzalez III
Steve Alfonso Chiscano
David S. Angulo
Richard J. Kasson

Henry B. Gonzalez III
Direct Tel 210-569-8489
hbg@gcaklaw.com

FACSIMILE COVER PAGE

DATE: MAY 22, 2015

TO: CLINT A. CORRIE

FACSIMILE: 214/981-9339

ANDREW MOON
NATHAN CORBETT

FACSIMILE: 210/568-4493

COURTESY JEFF CAWDREY
COPY TO: KIMBERLY HOWATT

FACSIMILE: 213/680-4470

FROM: HENRY B. GONZALEZ III

RE: CAUSE NO. 2014-CI-15278; EDUCATION MANAGEMENT SERVICES, LLC VS.
KEITH YACKEY; 285TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS

Enclosed are the following:

1. Plaintiff's Second Request for Production to Defendant

NUMBER OF PAGES INCLUDING COVER PAGE:

5

ORIGINAL TO FOLLOW: NO

IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMISSION, PLEASE CALL
210/569-8500.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION
INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT.
YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE,
AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

05-29-'15 14:04 FROM- GCAK

210-569-8490

T-811 P0002/0008 F-796

Cause No. 2014CI15278EDUCATION MANAGEMENT
SERVICES, LLC§
§
§
§
§
§

IN THE DISTRICT COURT

v.

285TH JUDICIAL DISTRICT

KEITH YACKEY

BEXAR COUNTY, TEXA

**PLAINTIFF'S THIRD REQUEST FOR PRODUCTION
TO DEFENDANT**

TO: KEITH YACKEY, Defendant
 By and through his attorney of record:
 Clint A. Corrie
 Akerman LLP
 2001 Ross Avenue, Suite 2550
 Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Third Requests for Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request for Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
 613 N.W. Loop 410, Suite 800
 San Antonio, Texas 78216
 Telephone No. 210/569-8500
 Telecopier No. 210/569-8490

By:


HENRY R. GONZALEZ III

State Bar No. 00794952

Email: hbg@gcaklaw.com

ATTORNEYS FOR PLAINTIFF

05-29-15 14:04 FROM- GCAK

210-569-8490


T-811 P0003/0008 F-796

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of May, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Clint.corrie@akerman.com
Facsimile 214/981.9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com


HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF

05-29-'15 14:04 FROM- GCAK

210-569-8490

T-811 P0004/0008 F-796

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

THIRD SET OF REQUESTS FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1: All written correspondence (specifically including but not limited to e-mails, text messages and social media messages) from the period of September 26, 2013 to the present between you and:

- a) Gillian Birnie, via her personal email account
- b) Jamie Tomlinson
- c) Gina Vertucci
- d) Any company owned, managed, or operated Nick Vertucci
- e) Any company owned, managed, or operated by Jeff Adams
- f) Jeffery (Jeff) Wilson
- g) Scott Zuckman
- h) Manuel "Manny" Moreno
- i) Nicole Marshall
- j) Michael "Mike" Symes
- k) Jake Simpson
- l) Judd Simpson
- m) Mike Hagen
- n) Hal Tanner
- o) Michael Tracey
- p) Mindi Cicero
- q) Mark Cadero
- r) Any entities with which you have been employed and/or provided services to

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Copies of any documents received, taken or obtained by you from The Nick Vertucci Companies, Inc., NV Real Estate Academy, Nick Vertucci, a company owned by Nick Vertucci, and/or an agent, employee, or affiliate of Nick Vertucci, including but not limited to written materials, CDs, videos, DVDs, podcasts, instructions, policies, samples or exemplars (e.g., presentations, slides, etc.), communications and contracts.

RESPONSE

REQUEST FOR PRODUCTION NO. 3: Copies of any and all documents evidencing your execution of a conflict waiver of any attorney-client conflicts which may arise based on Akerman, LLP's representation of you and Vertucci during this litigation.

05-29-'15 14:05 FROM- GCAK

210-569-8490

T-811 P0006/0008 F-796

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Copies of all paychecks, paystubs, and/or direct deposit receipts showing any compensation or remuneration you have received for services performed from September 26, 2013 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Copies of all communications or documents evidencing your sales commission rate for buying units sold while providing services to Vertucci.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Copies of all communications or documents evidencing the number of buying units that you have sold or been partially responsible for selling on behalf of Vertucci.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Copies of all sales training and teaching materials that you have produced for Vertucci and/ or The Nick Vertucci Companies, Inc. since September 26, 2013.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Any and all documents that reflect communications between you and any current and/or former clients of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

05-29-'15 14:05 FROM- GCAK

210-569-8490

T-811 P0007/0008 F-796

REQUEST FOR PRODUCTION NO. 9: Any and all documents that reflect communications between you and any current and/or former students of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Any and all documents that reflect communications between you and any current and/or former employees of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Any and all documents that reflect communications between you and any current and/or former contractors of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Any and all documents that reflect communications between you and any current and/or former testimonials of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Any and all documents that reflect communications between you and any current and/or former vendors of Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Any and all documents that reflect communications between you and any current and/or former service providers of Armando Montelongo Jr.,

05-29-15 14:05 FROM- GCAK

210-569-8490

T-811 P0008/0008 F-796

Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Any and all documents that reflect your social media statements about Armando Montelongo Jr., Education Management Services, LLC, Real Estate Training International, LLC, d/b/a Armando Montelongo Seminars, and/or one of their affiliates, including but not limited to Facebook, Twitter, Instagram, Flickr and YouTube.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Any and all documents that reflect any social media account (including but not limited to Facebook, Twitter, Instagram, Flickr and YouTube) used by you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Any and all non-disclosure, non-solicitation and/or non-compete agreements executed by you from January 1, 2005 to the present.

RESPONSE:

05-29-15 14:04 FROM- GCAK

210-569-8490

T-811 P0001/0008 F-796



613 NW Loop 410, Suite 800, San Antonio, TX 78216
Tel: 210-569-8500 Fax: 210-569-8490
www.gcaklaw.com

Henry B. Gonzalez III
Steve Alfonso Chiscano
David S. Angulo
Richard J. Kasson

Henry B. Gonzalez III
Direct Tel 210-569-8489
hbg@gcaklaw.com

FACSIMILE COVER PAGE

DATE: MAY 29, 2015

TO: CLINT A. CORRIE

FACSIMILE: 214/981-9339

ANDREW MOON
NATHAN CORBETT

FACSIMILE: 210/568-4493

COURTESY JEFF CAWDREY
COPY TO: KIMBERLY HOWATT

FACSIMILE: 213/680-4470

FROM: HENRY B. GONZALEZ III

RE: CAUSE NO. 2014-CI-15278; EDUCATION MANAGEMENT SERVICES, LLC VS.
KEITH YACKEY; 285TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS

Enclosed are the following:

1. Plaintiff's Third Request for Production to Defendant

NUMBER OF PAGES INCLUDING COVER PAGE: 8

ORIGINAL TO FOLLOW: NO

IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMISSION, PLEASE CALL
210/569-8500.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION
INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT.
YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE,
AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

06-05-'15 09:42 FROM- GCAK

210-569-8490

T-856 P0002/0006 F-839

Cause No. 2014CI15278EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
§
§
§
§
§

IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXA

PLAINTIFF'S FOURTH REQUEST FOR PRODUCTION
TO DEFENDANT

TO: KEITH YACKEY, Defendant
 By and through his attorney of record:
 Clint A. Corrie
 Akerman LLP
 2001 Ross Avenue, Suite 2550
 Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Requests for Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request for Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
 613 N.W. Loop 410, Suite 800
 San Antonio, Texas 78216
 Telephone No. 210/569-8500
 Telecopier No. 210/569-8490

By: Henry B. Gonzalez III w/permission
 HENRY B. GONZALEZ III
 State Bar No. 00794952
 Email: hbg@gcaklaw.com
 ATTORNEYS FOR PLAINTIFF

06-05-'15 09:42 FROM- GCAK

210-569-8490

T-856 P0003/0006 F-839

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of June, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Clint.corrie@akerman.com
Facsimile 214/981.9339

Andrew Moon
Nathan Corbett
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com

Henry B. Gonzalez III w/permission
HENRY B. GONZALEZ III
ATTORNEYS FOR PLAINTIFF *JG*

06-05-'15 09:43 FROM- GCAK

210-569-8490

T-856 P0004/0006 F-839

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

06-05-'15 09:43 FROM- GCAK

210-569-8490

T-856 P0005/0006 F-839

FOURTH REQUEST FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1: All cell phone records that reflect communications between you and individuals and/or businesses located in Texas from September 24, 2009 through the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents that you sent to and/or received from the Internal Revenue Service regarding your association with the following websites:

- a. www.keithyackey.com;
- b. www.getpof.com;
- c. www.privatemoneypro.com; and/or
- d. www.privatemoneyprocess.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents that you sent to and/or received from the Internal Revenue Service that reference your sources of income from the following websites:

- a. www.keithyackey.com;
- b. www.getpof.com;
- c. www.privatemoneypro.com; and/or
- d. www.privatemoneyprocess.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents that you sent to and/or received from your ex-wife, Janessa L. Yackey n/k/a Janessa L. Henderson, and/or her attorneys regarding your association with the following websites:

- e. www.keithyackey.com;
- f. www.getpof.com;

06-05-'15 09:43 FROM- GCAK

210-569-8490

T-856 P0006/0006 F-839

- g. www.privatemoneypro.com; and/or
- h. www.privatemoneyprocess.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents that you sent to and/or received from your ex-wife, Janessa L. Yackey n/k/a Janessa L. Henderson, and/or her attorneys that reference your sources of income from the following websites:

- a. www.keithyackey.com;
- b. www.getpof.com;
- c. www.privatemoneypro.com; and/or
- d. www.privatemoneyprocess.com.

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
§
§
§
§
§

IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXA

PLAINTIFF'S FIFTH REQUEST FOR PRODUCTION
TO DEFENDANT

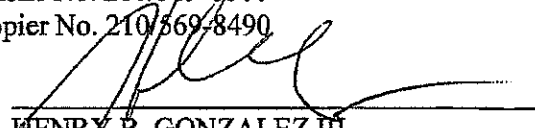
TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Requests for Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request for Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III
State Bar No. 00794952
Email: hbg@gcacklaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of August, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
clint.corrie@akerman.com
Christopher M. Hodge
christopher.hodge@akerman.com
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
FACSIMILE 214/981-9339

Scott M. Noel
snoel@pg-law.com
C.J. Cilfone
CJCilfone@pg-law.com
Plunkett & Griesenbeck, Inc.
Catholic Life Building
1635 N.E. Loop 410, Suite 900
San Antonio, Texas 78209
FACSIMILE 210-734-0379

Andrew Moon
andym@teamarmando.com
Nathan Corbet
nathanc@teamarmando.com
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
FACSIMILE 210/568-4493


HENRY B. GONZALEZ III

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

FOURTH REQUEST FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1: All tax returns filed by and/or on behalf of www.keithyackey.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All bank statements for accounts held by and/or for www.keithyackey.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All credit card statements for accounts held by and/or for www.keithyackey.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All tax returns filed by and/or on behalf of www.getpof.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All bank statements for accounts held by and/or for www.getpof.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All credit card statements for accounts held by and/or for www.getpof.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: All tax returns filed by and/or on behalf of www.privatemoneypro.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All bank statements for accounts held by and/or for www.privatemoneypro.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: All credit card statements for accounts held by and/or for www.privatemoneypro.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All tax returns filed by and/or on behalf of www.privatemoneyprocess.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: All bank statements for accounts held by and/or for www.privatemoneyprocess.com.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: All credit card statements for accounts held by and/or for www.privatemoneyprocess.com.

RESPONSE:

Cause No. 2014CI15278

EDUCATION MANAGEMENT
SERVICES, LLC

v.

KEITH YACKEY

§
§
§
§
§
§

IN THE DISTRICT COURT

285TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXA

PLAINTIFF'S SIXTH REQUEST FOR PRODUCTION
TO DEFENDANT

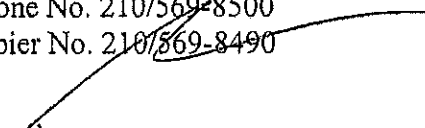
TO: KEITH YACKEY, Defendant
By and through his attorney of record:
Clint A. Corrie
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201

Pursuant to Rule 196 et. seq. of the Texas Rules of Civil Procedure, you are hereby instructed to answer fully and completely the Requests for Production hereinafter propounded; make a written response, sign under oath, and deliver your answers and/or documents to Plaintiff, within 30 days after service of this Request for Production. These requests are continuing and require supplementary answers if you or your attorney obtain further information between the time you give your answers and the time of the trial of this cause.

Respectfully submitted,

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.
613 N.W. Loop 410, Suite 800
San Antonio, Texas 78216
Telephone No. 210/569-8500
Telecopier No. 210/569-8490

By:


HENRY B. GONZALEZ III
State Bar No. 00794952
Email: hbg@gcaklaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of August, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

Clint A. Corrie
clint.corrie@akerman.com
Christopher M. Hodge
christopher.hodge@akerman.com
Akerman LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
FACSIMILE 214/981-9339

Scott M. Noel
snoel@pg-law.com
C.J. Cilfone
CJCilfone@pg-law.com
Plunkett & Griesenbeck, Inc.
Catholic Life Building
1635 N.E. Loop 410, Suite 900
San Antonio, Texas 78209
FACSIMILE 210-734-0379

Andrew Moon
andym@teamarmando.com
Nathan Corbet
nathanc@teamarmando.com
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
FACSIMILE 210/568-4493


HENRY B. GONZALEZ III

The following definitions and instructions shall apply:

1. As used herein, the term "you or your" shall refer to KEITH YACKEY and/or their agents, attorneys, representatives, employees, or any other natural persons, or business or legal entities, acting or purporting to act for or on behalf of KEITH YACKEY.
2. The term "possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item in accordance with Rule 192.7(b) Texas Rules of Civil Procedure.
3. The term "you" also includes businesses that you own and or operate, including but not limited to, keithyackey.com, Private Money Process, Private Money Pro, the Private Money Pro, GetPOF.com.
4. The term "document" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, backpacks, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills; statements and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks; vouchers; receipts and other records of payments; charts; drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate by-laws; corporate charters; correspondence; credit files and contents; deposit slips; diaries; drafts; files; indemnity agreement; health care provider records; doctors' notations; treatment sheets; histories; consultation reports; lab reports; and any correspondence, instructions; invoices; ledgers; journals; balance sheets; profit and loss statements; and other sources of financial data; letters; logs; notes; or memoranda of telephonic or face-to-face conversations; manuals; papers; press releases; printed matter (including published books, articles, speeches and newspaper clippings); schedules; specifications; statement of bank accounts; interviews; technical and engineering reports; evaluations; advice; recommendations; commentaries; conclusions; studies; test plans; data; reports; results; and conclusions; summaries; and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes or other communications sent or received; transcripts of testimony, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested relevant to these proceedings.

SIXTH REQUEST FOR PRODUCTION

Please produce the following documents within your Possession, Custody or Control, to-wit:

REQUEST FOR PRODUCTION NO. 1. Any and all joint defense agreements entered into with Nick Vertucci and/or any business entities affiliated with Nick Vertucci.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2. Any and all joint defense agreements entered into with Jesse Marquez and/or any business entities affiliated with Jesse Marquez.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3. Any and all agreements entered into with Nick Vertucci and/or any business entities affiliated with Nick Vertucci concerning litigation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4. Any and all communication between you and/or your counsel and counsel for Jesse Marquez.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5. Any and all communication between you and/or your counsel and counsel for Nick Vertucci and/or any business entities associated with Nick Vertucci.

RESPONSE:

EXHIBIT A-4

2015-Jun-25 05:14 PM Republic Services 2102986303

1/7

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEKAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DELIVERY SLIP

Total Pages: 7

Order No: 71801- 001-002

Pertaining To: Keith Yackey and/or getpof.com

From: Republic Services San Antonio
12108 Radium Street
San Antonio, TX 78216
210-298-6300 Fax 210-298-6303

Date: June 25, 2015

Deliver To: Clint Corrie and Christopher Hodga
Akerman, LLP
2001 Ross Avenue, Ste. 2550
Dallas, TX 75201
214-720-4300 Fax 214-981-9339

2015-Jun-25 05:14 PM Republic Services 2102986303

2/7

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

WAIVER OF NOTICE

Our client, Henry B. Gonzalez, III, has commissioned Republic Services San Antonio to obtain records on Keith Yackey and/or getpof.com from the following custodian for use in the above referenced case.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N. Original records will be held inhouse for 30 days. Copies may not be available after that time.

- _____ 1 WEB.COM (Any & All Records)
 _____ 2 GODADDY.COM, LLC (Any & All Records)

I agree that I and/or my firm will be responsible for payment of the copies of records ordered on this waiver. I acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in Bexar County, Texas.

_____ I DO AGREE TO WAIVE THE NOTICE PERIOD.
 _____ I DO NOT AGREE TO WAIVE THE NOTICE PERIOD.

Dated: June 25, 2015

Signed

Clint Corrie and Christopher Hodge
 Akerman, LLP
 2001 Ross Avenue, Ste. 2550
 Dallas, TX 75201
 214-720-4300 Fax 214-981-9339
 Attorney for Defendant
 SBA #

Please Return To: Republic Services San Antonio
 12108 Radium Street
 San Antonio, TX 78216
 210-298-6300 Fax 210-298-6303

NOTE: RETURN OF THIS FORM IS REQUIRED WITHIN TWENTY (20) DAYS TO PROCESS YOUR REQUEST. ANY CANCELLATION OF THE ABOVE MUST BE IN WRITING. IF THE RECORDS HAVE ALREADY BEEN COPIED AND FEES INCURRED, THEN BILLING WILL BE PRORATED ACCORDINGLY.

71801

2015-Jun-25 05:14 PM Republic Services 2102986303

3/7

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Defendant by and through their attorney(s) of record: Clint Corrie and Christopher Hodge (Akerman, LLP)
To other party/parties by and through their attorney(s) of record:

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

WEB.COM (Any & All Records)
12808 GRAN BAY PARKWAY WEST
JACKSONVILLE, FL 32258

GODADDY.COM, LLC (Any & All Records)
14455 NORTH HAYDEN ROAD, SUITE 219
SCOTTSDALE, AZ 85260

before a Notary Public for Republic Services San Antonio, 12108 Radium Street, San Antonio, TX 78216
210-298-6300 Fax 210-298-6303

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

Keith Yackey and/or getpof.com

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Henry B. Gonzalez III /ong
Henry B. Gonzalez, III
Gonzalez, Chiscano, Angulo & Kasson PC
613 NW Loop 410, Ste. 800
San Antonio, TX 78216
210-569-8500 Fax 210-569-8490
Attorney for Plaintiff
SBA # 00794952

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: June 25, 2015

by *Monica Salvan*

Order No. 71801

2015-Jun-25 05:14 PM Republic Services 2102986303

4/7

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: WEB.COM

Records Pertaining To: Keith Yackey and/or getpof.com

Type of Records: 1. Any and all documents regarding Keith Yackey; 2. Any and all documents regarding getpof.com; 3. Any and all communications from Keith Yackey; and 4. Any and all communications to Keith Yackey.

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71801.001

2015-Jun-25 05:14 PM Republic Services 2102986303

5/7

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

71801.001

2015-Jun-25 05:14 PM Republic Services 2102986303

6/7

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESSCustodian of Records for: **GODADDY.COM, LLC**Records Pertaining To: **Keith Yackey and/or getpof.com**

Type of Records: 1. Any and all documents regarding Keith Yackey; 2. Any and all documents regarding getpof.com; 3. Any and all communications from Keith Yackey; and 4. Any and all communications to Keith Yackey.

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71801.002

2015-Jun-25 05:14 PM Republic Services 2102986303

7/7

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

71801.002

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DELIVERY SLIP

Total Pages: 7

Order No: 71800-001-002

Pertaining To: Keith Yackey and/or privatemoneyprocess.com

From: Republic Services San Antonio
12108 Radium Street
San Antonio, TX 78216
210-298-6300 Fax 210-298-6303

Date: June 25, 2015

Deliver To: Clint Corrie and Christopher Hodge
Akerman, LLP
2001 Ross Avenue, Ste. 2550
Dallas, TX 75201
214-720-4300 Fax 214-981-9339

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

WAIVER OF NOTICE

Our client, **Henry B. Gonzalez, III**, has commissioned Republic Services San Antonio to obtain records on **Keith Yackey** and/or **privatemoneyprocess.com** from the following custodian for use in the above referenced case.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N. Original records will be held inhouse for 30 days. Copies may not be available after that time.

- _____ 1 WEB.COM (Any & All Records)
 _____ 2 GODADDY.COM, LLC (Any & All Records)

I agree that I and/or my firm will be responsible for payment of the copies of records ordered on this waiver. I acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in Bexar County, Texas.

_____ I DO AGREE TO WAIVE THE NOTICE PERIOD.
 _____ I DO NOT AGREE TO WAIVE THE NOTICE PERIOD.

Dated: June 25, 2015

Signed _____

Clint Corrie and Christopher Hodge
Akerman, LLP
2001 Ross Avenue, Ste. 2550
Dallas, TX 75201
214-720-4300 Fax 214-981-9339
Attorney for Defendant
SBA #

Please Return To: Republic Services San Antonio
 12108 Radium Street
 San Antonio, TX 78216
 210-298-6300 Fax 210-298-6303

NOTE: RETURN OF THIS FORM IS REQUIRED WITHIN TWENTY (20) DAYS TO PROCESS YOUR REQUEST. ANY CANCELLATION OF THE ABOVE MUST BE IN WRITING. IF THE RECORDS HAVE ALREADY BEEN COPIED AND FEES INCURRED, THEN BILLING WILL BE PRORATED ACCORDINGLY.

71800

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC : IN THE DISTRICT COURT OF
:
VS. : BEXAR COUNTY, TEXAS
:
KEITH YACKEY : 285TH JUDICIAL DISTRICT

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Defendant by and through their attorney(s) of record: Clint Corrie and Christopher Hodge (Akerman, LLP)
To other party/parties by and through their attorney(s) of record:

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

WEB.COM (Any & All Records)
12808 GRAN BAY PARKWAY WEST
JACKSONVILLE, FL 32258

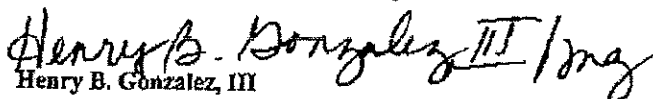
GODADDY.COM, LLC (Any & All Records)
14455 NORTH HAYDEN ROAD, SUITE 219
SCOTTSDALE, AZ 85260

before a Notary Public for Republic Services San Antonio, 12108 Radium Street, San Antonio, TX 78216
210-298-6300 Fax 210-298-6303

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

Keith Yackey and/or privatemoneyprocess.com

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.


Henry B. Gonzalez, III
Gonzalez, Chiscano, Angulo & Kasson PC
613 NW Loop 410, Ste. 800
San Antonio, TX 78216
210-569-8500 Fax 210-569-8490
Attorney for Plaintiff
SBA # 00794952

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: June 25, 2015

by 

Order No. 71800

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: **WEB.COM**

Records Pertaining To: **Keith Yackey and/or privatemoneyprocess.com**

Type of Records: **1. Any and all documents regarding Keith Yackey; 2. Any and all documents regarding privatemoneyprocess.com; 3. Any and all communications from Keith Yackey; and 4. Any and all communications to Keith Yackey.**

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71800.001

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: GODADDY.COM, LLC

Records Pertaining To: Keith Yackey and/or privatemoneyprocess.com

Type of Records: 1. Any and all documents regarding Keith Yackey; 2. Any and all documents regarding privatemoneyprocess.com; 3. Any and all communications from Keith Yackey; and 4. Any and all communications to Keith Yackey.

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71800.002

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

06/23/2015 15:57 FAX 2102986303

Republic Services SA

001/007

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DELIVERY SLIP

Total Pages: 7

Order No: 71781- 001-002

Pertaining To: **Keith Yackey and/or keithyackey.com**

From: **Republic Services San Antonio
12108 Radium Street
San Antonio, TX 78216
210-298-6300 Fax 210-298-6303**

Date: **June 23, 2015**

Deliver To: **Clint Corrie and Christopher Hodge
Akerman, LLP
2001 Ross Avenue, Ste. 2550
Dallas, TX 75201
214-720-4300 Fax 214-981-9339**

06/23/2015 15:58 FAX 2102986303

Republic Services SA

002/007

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

WAIVER OF NOTICE

Our client, Henry B. Gonzalez, III, has commissioned Republic Services San Antonio to obtain records on Keith Yackey and/or keithyackey.com from the following custodian for use in the above referenced case.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N. Original records will be held inhouse for 30 days. Copies may not be available after that time.

_____ 1 GODADDY.COM, LLC (Any & All Records)
 _____ 2 WEB.COM (Any & All Records)

I agree that I and/or my firm will be responsible for payment of the copies of records ordered on this waiver. I acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in Bexar County, Texas.

_____ I DO AGREE TO WAIVE THE NOTICE PERIOD.
 _____ I DO NOT AGREE TO WAIVE THE NOTICE PERIOD.

Dated: June 23, 2015

Signed _____

Clint Corrie and Christopher Hodge
 Akerman, LLP
 2001 Ross Avenue, Ste. 2550
 Dallas, TX 75201
 214-720-4300 Fax 214-981-9339
 Attorney for Defendant
 SBA #

Please Return To: Republic Services San Antonio
 12108 Radium Street
 San Antonio, TX 78216
 210-298-6300 Fax 210-298-6303

NOTE: RETURN OF THIS FORM IS REQUIRED WITHIN TWENTY (20) DAYS TO PROCESS YOUR REQUEST. ANY CANCELLATION OF THE ABOVE MUST BE IN WRITING. IF THE RECORDS HAVE ALREADY BEEN COPIED AND FEES INCURRED, THEN BILLING WILL BE PRORATED ACCORDINGLY.

71781

08/23/2015 15:58 FAX 2102886303

Republic Services SA

003/007

No. 2014CI15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Defendant by and through their attorney(s) of record: Clint Corrie and Christopher Hodge (Akerman, LLP)
To other party/parties by and through their attorney(s) of record:

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

GODADDY.COM, LLC (Any & All Records)
14455 NORTH HAYDEN ROAD, SUITE 219
SCOTTSDALE, AZ 85260

WEB.COM (Any & All Records)
12808 GRAN BAY PARKWAY WEST
JACKSONVILLE, FL 32253

before a Notary Public for Republic Services San Antonio, 12108 Radium Street, San Antonio, TX 78216
210-298-6300 Fax 210-298-6303

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

Keith Yackey and/or keithyackey.com

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Henry B. Gonzalez III/mg
Henry B. Gonzalez, III
Gonzalez, Chiscano, Angulo & Kasson PC
613 NW Loop 410, Ste. 800
San Antonio, TX 78216
210-569-8500 Fax 210-569-8490
Attorney for Plaintiff
SBA # 00794952

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: June 23, 2015

by

Monica Salvan

Order No. 71781

06/23/2015 15:58 FAX 2102986303

Republic Services SA

004/007

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESSCustodian of Records for: **GODADDY.COM, LLC**Records Pertaining To: **Keith Yackey and/or keithyackey.com**

Type of Records: 1) Any and all documents regarding Keith Yackey; 2) Any and all documents regarding keithyackey.com; 3) Any and all communications from Keith Yackey; and 4) Any and all communications to Keith Yackey.

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71781.001

06/23/2015 15:58 FAX 2102986303

Republic Services SA

005/007

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____
known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

71781.001

06/23/2015 15:58 FAX 2102988303

Republic Services SA

006/007

No. 2014CH15278

EDUCATION MANAGEMENT SERVICES, LLC	:	IN THE DISTRICT COURT OF
	:	
VS.	:	BEXAR COUNTY, TEXAS
	:	
KEITH YACKEY	:	285TH JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: WEB.COM

Records Pertaining To: Keith Yackey and/or keithyackey.com

Type of Records: 1) Any and all documents regarding Keith Yackey; 2) Any and all documents regarding keithyackey.com; 3) Any and all communications from Keith Yackey; and 4) Any and all communications to Keith Yackey.

1. State your full name, address and occupation.

Answer: _____

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: _____

3. Were these records made and kept in the regular course of business?

Answer: _____

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: _____

5. Are these records under your care, supervision, directions, custody or control?

Answer: _____

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: _____

7. Were these records kept as described in the previous questions?

Answer: _____

71781.002

08/23/2015 15:59 FAX 2102986303

Republic Services SA

☒ 007/007

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____
known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first
duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the
records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

71781.002

EXHIBIT A-5

FILED
7/30/2015 10:49:08 AM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Edgar Garcia

Cause No. 2014CI15278

EDUCATION MANAGEMENT	§	IN THE DISTRICT COURT
SERVICES, LLC	§	
	§	
v.	§	285 TH JUDICIAL DISTRICT
	§	
KEITH YACKEY	§	BEXAR COUNTY, TEXAS

PLAINTIFF'S SECOND SUPPLEMENTAL ORIGINAL PETITION

Comes now Plaintiff, **EDUCATION MANAGEMENT SERVICES, LLC**, complaining of and about **KEITH YACKEY**, hereinafter referred to as Defendant, and respectively files this its Plaintiff's Second Supplemental Original Petition and would respectively show to the Court as follows:

I.

RULE 47 STATEMENT OF RELIEF SOUGHT

Pursuant to Defendant's request and Rule 47(c)(2) of the Texas Rules of Civil Procedure, Plaintiff provides notice that it seeks "monetary relief of \$100,000 or less and non-monetary relief[.]"

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein and after final trial hereof, that Plaintiff have judgment against Defendant and

And other relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

ANDREW MOON
NATHAN CORBETT
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com

&

GONZALEZ, CHISCANO, ANGULO & KASSON, P.C.

613 N.W. Loop 410, Suite 800

San Antonio, Texas 78216

Telephone No. 210/569-8500

Telecopier No. 210/569-8490

By:

Henry B. Gonzalez III w/permission
HENRY B. GONZALEZ III
State Bar No. 00794952
Email: hbg@gcacklaw.com

ATTORNEYS FOR PLAINTIFF

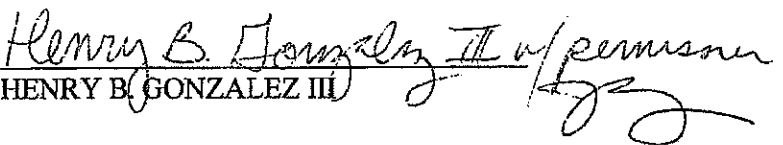
CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of July, 2015, a true and correct copy of the foregoing was forwarded by facsimile; and/or regular mail; and/or certified mail, return receipt requested; and/or e-mail transmission; and/or electronic filing service to the following:

CLINT A. CORRIE
clint.corrie@akerman.com
CHRIS HODGE
chris.hodge@akerman.com
AKERMAN LLP
2001 Ross Avenue, Suite 2550
Dallas, Texas 75201
Facsimile 214/981.9339

Scott M. Noel
Plunkett & Griesenbeck, Inc.
Catholic Life Building
1634 N.E. Loop 410, Suite 900
San Antonio, Texas 78209
210/734-7092
Facsimile 210/734-0379

ANDREW MOON
NATHAN CORBETT
2935 Thousand Oaks Drive, #6-285
San Antonio, TX 78247
210/568-4493 – fax
andym@teamarmando.com
nathanc@teamarmando.com


HENRY B. GONZALEZ III